

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF E-FILING

I certify that the documents referred to as enclosed herein are being transmitted to the U.S. Patent and Trademark Office via the EFS Web system located on the USPTO website on March 22, 2010.


Charles P. Romano, Reg. No. 56,991

Application of: Curtiss et al.

Group Art Unit: 1633

Application No.: 10/526,365

Atty. Docket No.: 56029-53712

Filed: November 15, 2005

Examiner: Popa, Ileana

For: Regulated Bacterial Lysis for Gene
Vaccine Vector Delivery and Antigen
Release

Confirmation No. 9668
Customer No. 70119

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

AND STATEMENT TO SUPPORT FILING AND SUBMISSION

IN ACCORDANCE WITH 37 C.F.R. §§1.821-1.825

In response to the Notification of Defective Response mailed on February 22, 2010, and in accordance with 37 C.F.R. §§1.821-1.825, please enter the following Statement. Applicants note for the record that the original Notification of Missing Requirements mailed on October 5, 2005 did not set forth the requirement for this Statement.

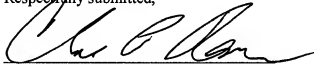
In accordance with 37 C.F.R. §§1.821-1.825, I hereby state that the content of the written Sequence Listing and computer readable form of the Sequence Listing submitted on March 1, 2005 under 37 C.F.R. 1.821, are identical.

CONCLUSION

It is not believed that any additional extension or other fees are due at this time. However, in the event that additional extension or other fees are necessary to prevent abandonment of this application, then such fees required are hereby authorized to be charged to our Deposit Account No. 20-0823.

The Examiner is encouraged to contact the undersigned via telephone at the number provided, if it is determined that personal communication will expedite prosecution of this application.

Respectfully submitted,



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Dated: March 22, 2010



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|---|--|---------------------------------|
| U.S. APPLICATION NUMBER NO. 10/526,365 | FIRST NAMED APPLICANT Roy Curtiss III | ATTY. DOCKET NO. 56029-53712 |
| INTERNATIONAL APPLICATION NO. PCT/US03/26883 | | |
| LA. FILING DATE 08/29/2003 | PRIORITY DATE 09/01/2002 | |

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CONFIRMATION NO. 9668
371 FORMALITIES LETTER



CC000000040166972

Date Mailed: 02/22/2010

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 03/01/2005
- Copy of the International Search Report filed on 03/01/2005
- Copy of IPE Report filed on 03/01/2005
- Preliminary Amendments filed on 03/01/2005
- Information Disclosure Statements filed on 11/15/2005
- Biochemical Sequence Diskette filed on 03/01/2005
- Oath or Declaration filed on 11/15/2005
- Biochemical Sequence Listing filed on 03/01/2005
- Copy of references cited in ISR filed on 03/01/2005
- U.S. Basic National Fees filed on 03/01/2005
- Priority Documents filed on 03/01/2005
- Specification filed on 03/01/2005
- Claims filed on 03/01/2005
- Abstracts filed on 03/01/2005
- Drawings filed on 03/01/2005

Applicant's response filed 03/01/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/05/2005 have not been completed.

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

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FEB 22 2010 SB

FEB 19 2010

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Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

TAMALA D HOLLAND

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